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L'Assemblée de Vincennes de 1329 et ses Conséquences: Étude sur les Conflits entre la Jurisdiction laïque et la Jurisdiction ecclésiastique au XIV^e Siècle. By OLIVIER MARTIN. (*Travaux Juridiques et Économiques de L'Université de Rennes. Premier Supplément.*) Rennes, Bibliothèque Universitaire, 1909.—xvii, 429 pp.

Students of the history of ecclesiastical jurisdiction in France during the Middle Ages will find Professor Martin's work of great interest and value, for it consists not only of an exhaustive study of the Assembly of Vincennes (1329), but also of an illuminating account of ecclesiastical jurisdiction in France from its beginnings down to the end of the fourteenth century. New light is thrown upon the Assembly itself and also upon the whole question of conflict between lay and ecclesiastical jurisdictions which the Assembly had under consideration. Inspired by the counsels of Professor Esmein to undertake this work (see page v), the author has followed the fine example of that great scholar in his standards of research and of exposition. There was need for a careful examination of the materials bearing upon the Assembly of Vincennes. In carrying out this design the author has not only studied the printed sources of information, but also has made full use of manuscript materials (see pages vi-xvii).

In the Introduction (pages 3-47) the author traces the origin and development of ecclesiastical jurisdiction, outlines its scope in the thirteenth century, and considers the conflict between lay and ecclesiastical courts down to 1328, the year before the holding of the Assembly of Vincennes (1329). For this part of his work M. Martin has relied for the most part upon the results of the researches of other scholars, notably Esmein, Beauchet, Viollet, Dove, Fournier, Langlois, and Butarie.

Book i (pages 51-220) is devoted to the Assembly. The author first studies the chief contemporary sources of information, namely, the *Libellus Petri Bertrandi* and the *de origine jurisdictionum* (pages 51-68). He then traces the history of the Assembly, considers its general character, and gives personal sketches of the men who took the foremost part in its debates, Pierre de Cuignières, Pierre Roger, and Pierre Bertrand (pages 69-100). The next chapter (pages 101-149) is concerned with the respective domains of the two jurisdictions, lay and ecclesiastical, from the point of view of theory. The author first sets forth the thesis of Pierre de Cuignières, the royal advocate, in support of temporal jurisdiction as opposed to ecclesias-

tical. This is followed by an exposition of the thesis of the clergy in support of the jurisdiction of church courts. In chapter iv (pages 150-191) M. Martin considers the complaints (*griefs*) of de Cuignières brought before the Assembly and the response of the clergy, led by Pierre Bertrand, bishop of Autun. To his account of this most interesting debate the author adds certain reflections of his own. In the fifth chapter (pages 196-220), upon the consequences of the Assembly, M. Martin considers the difficult problem as to the juridical and historical importance of the Assembly.

Book ii (pages 223-378) is a study of the conflicts of jurisdiction in the fourteenth century, first under Philippe de Valois (1330-1350) and then during the second half of the century. This portion of the work is based largely upon the results of the author's own study of manuscript sources, the archives of the Parlement de Paris and of the officialités. The excellent arrangement of the subject-matter in book ii enables the reader to obtain a firm grasp of the scope of ecclesiastical jurisdiction in France from the time of the Assembly of Vincennes down to the end of the fourteenth century.

Book ii is followed by the author's conclusion (pages 379-389) and by the text of certain *pièces justificatives* (pages 393-429), most of them derived from the archives of the Parlement de Paris.

The importance of the Assembly of Vincennes, summoned by Philippe de Valois and presided over by him in person, has always been recognized by the constitutional historians of France (see, e. g., Esmein, *Histoire du Droit Français*, 7 ed., pages 642 *et seq.*; Brisand, *History of French Public Law*, published in the Continental Legal History Series of the Association of American Law Schools, 1915, pages 189 *et seq.*); but the question as to the precise constitutional and legal consequences of the Assembly has been the subject of controversy through all succeeding ages, much of which has centered in the problem as to just what the King decided at the termination of the great debate between the representatives of State and Church. This whole problem M. Martin has subjected to minute and scholarly examination (see especially pages 196-220, 379-389), with the result that he has at least partially lifted the veil of obscurity that has hung over the Assembly. M. Martin concludes that the struggle in the Assembly was really a struggle between royal and ecclesiastical jurisdiction and that this struggle, despite the vague words of the King, ended in a decision favorable to the King's tribunals. This result is reached not only by studying the contemporary authorities, but by tracing the history of the fourteenth cen-

ture from the time of the Assembly (1329) onwards (see pages 223-379). In this study of events after 1329 special emphasis is laid upon the decisions of the Parlement de Paris.

M. Martin's general conclusion, that the Assembly was a victory for royal jurisdiction, fits in with the well-established results of former historical studies. All through the thirteenth century the struggle between the secular and ecclesiastical tribunals in France proceeded fiercely, because the King and his feudal lords saw clearly that unless they asserted their position firmly the courts of the Church, with their enlightened judges and justice, would ultimately deprive them of more and more judicial power. It was in the early fourteenth century that the contest became most acute. In the final settlement of this struggle the Assembly of Vincennes played a rôle of great importance. Certainly from this time onwards the decadence of the ecclesiastical courts set in and the royal jurisdiction advanced step by step at the expense of the Church courts. The Assembly seems indeed to have been the turning point in the whole history of the two rival systems of justice. In grasping this fact and in making it the central theme of his work M. Martin has shown that he is an historian not only of details but of the great underlying currents of thought and action. By viewing the Assembly of 1329 in the light of French medieval development as a whole the learned Professor of Law at the University of Rennes has placed all medievalists under obligation.

One may venture to assert that future historians of the Constitutions of Clarendon (1164), which arose out of a struggle in England similar to that in France, will find *L'Assemblée de Vincennes de 1329 et ses Conséquences* an inspiration and, in certain of its features, a guide to fuller understanding of the history of royal and ecclesiastical justice in England in their relations one with the other during the Middle Ages. The conflict between Henry and Becket resembled the struggle between the French King, as represented by de Cuignières, and the Church, as represented by Pierre Bertrand, bishop of Autun. The exact consequences of the assembly of bishops and barons at Clarendon have been matter of subsequent uncertainty and dispute somewhat comparable to the uncertainty and dispute that have gathered round the decision of Philippe de Valois at Vincennes. Were not the Constitutions of Clarendon, despite the subsequent conduct of Henry in reference to them, the really decisive turning point in the English development toward the ascendancy of royal jurisdiction over the ecclesiastical? Did not the decadence of

ecclesiastical jurisdiction in England, a process that extended over so many hundreds of years, begin fully a century and a half earlier than in France? Here is an interesting question in comparative constitutional history which M. Martin has not raised, but which his work will help to solve. In certain respects the English Assembly of 1164 and the French Assembly of 1329 are very different one from the other; but in other respects they exhibit striking similarities of character. At all events the main theme at both assemblies was the great problem of the rival jurisdictions; and whatever view may be taken by the future historian of ecclesiastical jurisdiction in England as to the deeper significance of the Constitutions of Clarendon, he will wish to ponder well over the results of M. Martin's researches, for they will enlighten him upon a course of development similar to that in England and in other countries which had come under the influence of the Western Church.

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The English Middle Class. By R. H. GRETTON. London, G. Bell and Sons, 1917.—xii, 238 pp.

"Middle Class" is one of those over-worked terms of uncertain meaning and varying content whose use tends to obfuscation of thought on social questions. As it passes current today in England, where it originated, it may connote many things which it has not always connoted, among others Non-Conformist virtues, marble-topped black walnut furniture, Queen Victoria, snobbery, an even keel between the Scylla of Kaiserism and the Charybdis of Bolshevism, or an eye to the main chance. But all that it positively denotes is a social stratum between one above and one below. As the name of a class that has long dominated English society and politics it is singularly inexplicit about itself.

Mr. Gretton offers us not a comprehensive history of his subject—that would run to many volumes—but an historical sketch of the English middle class that is at the same time an economic and social interpretation of modern English history. He starts with a positive definition of the middle class as "that portion of the community to which money is the primary condition and the primary instrument of life." There was nothing, he holds, that can properly be called a middle class in England prior to the rise of a money economy. The origin of such a class he finds in the new "moneyed men" who ap-